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E-FILED: November 4, 2009

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In Re:) Case No. BKS-08-20582-MKN
) Chapter 13
)
)
Felix Contreras and Kathleen) Hearing Date: November 18, 2009
Contreras,) Hearing Time: 1:30 PM
)
)
Debtors(s).)
)
)

DEBTORS' OPPOSITION TO MOTION FOR
RELIEF FROM AUTOMATIC STAY AND/OR REQUEST FOR RENOTICING
UNDER NRS 107.080 (AS REQUIRED UNDER NEVADA ASSEMBLY BILL 149
EFFECTIVE JULY 1, 2009)

COME NOW, Felix Contreras and Kathleen Contreras, by and through attorney, David Krieger, Esq., of the LAW OFFICES OF HAINES & KRIEGER, LLC, and in response to **WELLS FARGO BANK, N.A.**'s ("Creditor") Motion for Relief from Automatic Stay states as follows:

1. On September 13, 2008, Debtors filed the current Chapter 13 Petition in Bankruptcy with the Court.
2. Debtors' Plan provides that Debtors would continue to make direct payments to Creditor, while under the protection of the automatic stay of the Bankruptcy

Court, as well as provide for all payments in arrears through the Debtors' Chapter 13 Plan.

3. On or about October 22, 2009, Creditor filed a Motion for Relief from the Automatic Stay.

4. Debtors believe that the post-petition arrears listed in the Motion for Relief from Stay are inaccurate. The proof of payments that the debtor has been able to provide is attached hereto as Exhibit "1".

5. Debtors request the Creditor provide a transaction history to assess the status of their account and to ensure that all of their payments have been applied properly.

6. Debtors are in the process of negotiating a loan modification with the Creditor through Haines and Krieger, LLC.

7. Debtors believe that the asset securing WELLS FARGO BANK, N.A.'s claim is necessary to the Debtors' effective reorganization.

8. Accordingly, Debtors requests Creditor's motion be denied or continued until the loan modification process is completed.

9. In the event this Court is inclined to grant secured Creditor's request for relief from the automatic stay, the Debtors request that Your Honor require Secured Creditor to renounce any pending foreclosure action under NRS 107.080 (as revised by Nevada Assembly Bill 149, effective July 1, 2009) by this Creditor to the extent applicable.

10. Pursuant to NRS 107.082 if a foreclosure "sale has been postponed by oral proclamation three times, any new sale information must be provided by notice as provided in NRS 107.080." NRS 107.080 (as revised by Nevada Assembly Bill 149

effective July 1, 2009) requires Secured Creditor to provide Debtors a notice of election to enter into court mandated mediation.

WHEREFORE, Debtors request:

1. WELLS FARGO BANK, N.A.'s Motion be denied or continued until the loan modification process is completed; and/or
2. In the event Your Honor grants relief from stay, that Secured Creditor be required to renote its foreclosure proceeding pursuant to Revised NRS 107.080 (as effective through Nevada AB 149, July 1, 2009), thus providing the Debtors an opportunity to elect court mandated mediation in State Court.
3. Such other relief as the Court finds appropriate.

Dated: November 4, 2009

/s/ David Krieger, Esq.
Attorney for Debtors(s)

CERTIFICATE OF MAILING RE:
DEBTORS' OPPOSITION TO MOTION FOR
RELIEF FROM AUTOMATIC STAY

I hereby certify that on November 4, 2009, I mailed a true and correct copy, first class mail, postage prepaid, of the above listed document to the following:

/s/ David Krieger, Esq.
Attorney for Debtors

Gregory Wilde
208 S. Jones Blvd
Las Vegas, NV 89107